

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/16/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

KEVIN WEINZOFF,
a/k/a "Mike Palmer"
Defendant.

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:
: CONSENT PRELIMINARY ORDER
: OF FORFEITURE AS TO
: MONEY JUDGMENT

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: S1 18 Cr. 375 (VSB)
:
:
: x

WHEREAS, on or about October 11, 2019, KEVIN WEINZOFF, a/k/a "Mike Palmer" (the "defendant"), was charged in a five-count Information, S1 18 Cr. 375 (VSB) (the "Information"), with, conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) & 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2 (Count Two); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Three); and wire fraud, in violation of Title 18, United States Code, Sections 1343 (Counts Four and Five);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Five, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to a sum of money in

United currency that constitutes, or is derived from, proceeds traceable to the commission of the offenses alleged in Counts One through Five of the Information;

WHEREAS, on or about October 11, 2019, the defendant pled guilty to Counts One through Five of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One and Two and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$533,756.30 in United States currency that constitutes, or is derived from, proceeds traceable to the commission of the offenses alleged in Counts One through Five of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$429,000.00 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One through Five of the Information;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorney, Andrew Thomas, of counsel, and the defendant, and his counsel, Brian Waller, Esq., that:

1. As a result of the offense charged in Counts One through Five of the Information, to which the defendant pled guilty, a money judgment in the amount of \$429,000.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through Five of the Information, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to the Money Judgment is final as to the defendant, KEVIN WEINZOFF, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture as to Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By:



ANDREW THOMAS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2106

4/29/2021
DATE

KEVIN WEINZOFF

By:



KEVIN WEINZOFF

4/29/21
DATE

By:



BRIAN WALLER, ESQ.

4/29/21
DATE

SO ORDERED:



Vernon S. Broderick
United States District Judge

4/30/2021
DATE